

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:19-cv-00403-MR**

WILLIAM CURTIS LOWERY, )  
Plaintiff, )  
vs. ) ORDER  
MAURY CORRECTIONAL )  
INSTITUTION, et al., )  
Defendants. )

**THIS MATTER** is before the Court on periodic status review.

The *pro se* Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Pasquotank Correctional Institution. [Doc. 1]. The Clerk of Court entered a Notice of Deficiency informing Plaintiff of his obligation to either pay the \$400 filing fee or file an application to proceed without prepayment of fees and cautioned him that the failure to do so within 21 days may result in the dismissal of this action. [Doc. 2]. Plaintiff was also notified that it is “Plaintiff’s responsibility to keep the Court advised of his/her current address at all times” and “[i]f Plaintiff’s address changes and no Notice [of Change of Address] is promptly filed with the Clerk of Court, this case may be dismissed for lack of prosecution.” [Doc. 3 at 2].

Plaintiff has not paid the filing fee or filed an application to proceed without prepaying the fee and the deadline to do so has expired. Further, the North Carolina Department of Public Safety's ("NCDPS") website indicates that Plaintiff now resides at Scotland C.I., but Plaintiff has not informed the Court of his change of address.<sup>1</sup>

It appears that Plaintiff may have abandoned this action. Plaintiff shall, within **fourteen (14) days** of this Order, pay the filing fee or file an application to proceed without prepaying the fee. Failure to comply with this Order will result in dismissal of this action without prejudice and this case's closure without further notice.

**IT IS, THEREFORE, ORDERED that the Plaintiff shall have fourteen (14) days from the date of this Order in which to pay the filing fee or file an application to proceed without prepaying the fee. If Plaintiff fails to do so, this case will be dismissed without prejudice and closed without further notice to the Plaintiff.**

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<sup>1</sup> This information was accessed on the NCDPS website on June 3, 2020. See <https://webapps.doc.state.nc.us/api/viewoffender.do?method=view&offenderID=0469410&searchOffenderId=0469410&searchDOBRange=0&listurl=pagelistoffendersearchresults&listpage=1>; Fed. R. Evid. 201.

The Clerk is instructed to mail a copy of this Order, the Notice of Deficiency [Doc. 2] and an application to proceed without prepayment of fees to Plaintiff at his address of record and at Scotland C.I.

**IT IS SO ORDERED.**

Signed: June 8, 2020



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Martin Reidinger  
Chief United States District Judge

